

ENVIRONMENTAL COVENANT SUBMISSION PROCESS

Environmental Covenants are possible pursuant to Iowa Code Chapter 455I, with additional rules located in 567 Iowa Administrative Code Chapter 14. Additional Departmental guidance on preparation and submission can be found on the Contaminated Sites, Underground Storage Tanks, and Land Recycling Program DNR websites.

Prior to submitting an environmental covenant draft for Department review, confirm with the site's project manager that (1) an environmental covenant is warranted and will provide sought after site reclassification and (2) define what the "activities and use limitations" should be.

If you desire, you MAY submit a preliminary draft via email to the Legal Services Bureau for initial formatting review and comments. However, the model covenants provided on the website should be self-explanatory; following these models should eliminate almost all formatting and drafting issues.

When the covenant is ready for formal Department review, submit the covenant with all supporting documentation (see below) to the site's project manager. Once the project manager has technically and scientifically approved the covenant's activities and use limitations, it will be transferred to Legal for final review.

The responsible party (RP) should NOT sign the covenant before it has gone through the entire formal review process by the Department. Rather, the RP should sign the covenant once it is returned after the Director has signed off on it. The covenant is ready to be recorded when both the Director's and RP's signatures are present.

STEP-BY-STEP BREAK DOWN

1. The EC (with all supporting documentation) is submitted (by mail OR email) to the DNR project manager for technical and scientific review.
 - a. Mandatory supporting documents →
 - i. Proof of ownership (copies of all deeds, contracts, etc.)
 - ii. Property map
 - iii. Property certification letter (form on website)
 - iv. Consultant's summary of purpose letter.

2. After the “activities and use limitations” have been approved, the project manager transfers the EC to the Legal Services Bureau.
3. Legal will review the EC’s supporting documentation, and will resolve any legal/drafting issues with the RP.
4. Once Legal approves the EC, the Director will sign and the EC will be mailed back to the RP for final signatures and recording.
5. The RP must mail a copy of the recorded EC to the project manager, who will then give the RP a formal letter of reclassification.